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| EXAMINER |
|---|
| AJIBADE AKONAI, OLUMIDE |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2617 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on *18 March 2009*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) *3-6,8 and 10-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) *16-19* is/are allowed.

6) ☒ Claim(s) *3-5,8,11,15 and 20* is/are rejected.

7) ☒ Claim(s) *6,10 and 12-14* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1.     The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.     Claims 3-5, 8, 11, 15, and 20 are rejected under 35 U.S.C. 102(e) as being

anticipated by **Benveniste 20040264397 (hereinafter Benveniste)**.

Regarding **claim 20**, Benveniste discloses a method for saving power in a

wireless communication network including a plurality of devices, comprising:

transmitting a beacon Hibernation Information Element (transmitting a temporal period

and suggested temporal offset, see fig. 7, p.5, [0069]) announcing a sleep period start

time and a sleep period duration (the transmitted temporal period and temporal offset is

used to indicate when the station 202-i will go into the doze state and when it will "wake-

up", see p.5, [0069], [0071], [0073]); and hibernating in a hibernation mode during the

announced sleep period duration, wherein a hibernating device does not transmit a

beacon during the sleep period (station 202-i entering a doze state, see fig. 7, p.1,

[0010], p.5, [0072]-[0073]).

Regarding **claim 3** as applied to claim 20, Benveniste further discloses

periodically waking up the hibernating device to listen for beacons other devices (see

fig. 7, p.5, [0073]-[0074]); and returning the hibernating device to the hibernation mode if

other devices have indicated no pending traffic for the hibernating device in their

beacons (see p.1, [0019]).

Regarding **claim 4** as applied to claim 20, Benveniste further discloses keeping

information on the presence of a beacon of the hibernating device in beacons of other

devices during the announced sleep period duration of the hibernating device (access

point buffers downlink frames for station 202-I during the doze period, see p.4, [0066],

p.5, [0074]).

Regarding **claim 5** as applied to claim 20, Benveniste further including the

address of a device transmitting the beacon Hibernation Information Element in a

beacon transmitted by another device in one of an information element and field when

the other device has pending data for delivery to the transmitting device (beacon

including TIM to inform the station 202-i that there are downlink frames addressed to

station 202-i waiting to be transmitted to the station, see p.1, [0015], [0018]); and

maintaining the transmitting device in an active mode if a beacon with one of an

information element and field including pending data for the transmitting device is

received before the transmitting device hibernates (station 202-I stays in the wake up

state to receive the downlink frames, see p.1, [0018]-[0019]).

Regarding **claim 8** as applied to claim 20, Benveniste further discloses wherein

the sleep period start time is a number of future superframes relative to a current

superframe (temporal period and suggested temporal offset for wake up, see fig. 7, p.5,

[0069]).

Regarding **claim 11** as applied to claim 20, Benveniste further discloses announcing when a device in an active mode has pending data to transmit to at least one intended receiver device, the pending data by including a Traffic Indication Map Information Element in a beacon of the device wherein the Traffic Indication Map Information Element that comprises at least the device addresses of the at least one intended receiver device of the pending data (beacon including TIM to inform the station 202-i that there are downlink frames addressed to station 202-i waiting to be transmitted to the station, see p.1, [0015], [0018]).

Regarding **claim 15**, Benveniste further discloses a communications network including a plurality of devices (stations 202-1 to 202-N, see fig. 2, p.2, [0034]) that save power by announcing hibernation in their beacon frames by performing the power-saving method of claim 20 (see p.5, [0069], [0071], [0073]).

### *Allowable Subject Matter*

3.      Claims 6, 10, and 12-14 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 16-19 are allowed.

### *Conclusion*

4.      The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tiedemann, Jr. et al 5,392,287 discloses an apparatus and method for reducing power consumption in a mobile communications receiver.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUMIDE T. AJIBADE AKONAI whose telephone number is (571)272-6496. The examiner can normally be reached on M-F, 8.30p-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617